

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ESMELING L. BAHENA,

Plaintiff,

v.

D. ROHRDANZ, et al.,

Defendants.

No. 1:20-cv-00618-NONE-SKO (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS

(Doc. No. 16)

Plaintiff Esmeling L. Bahena is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action under 42 U.S.C. § 1983. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On September 24, 2020, the assigned magistrate judge filed a screening order, finding that plaintiff's complaint states cognizable claims of deliberate indifference against Defendants Rohrdanz and Manhas but not against the remaining defendants. (Doc. No. 11). The magistrate judge directed plaintiff to file a first amended complaint curing the deficiencies in his pleading or to notify the court of his desire to proceed only on the claims found cognizable. (*Id.* at 1, 8.) On October 29, 2020, plaintiff filed a "notice to proceed only on Defendants Rohrdanz and Manhas." (Doc. No. 14.)

Accordingly, on November 3, 2020, the magistrate judge issued findings and recommendations, recommending that Defendants Palma and Teresiah and the claims against

1 these defendants be dismissed. (Doc. No. 16.) The findings and recommendations were served
2 on plaintiff and provided him 14 days to file objections thereto. (*Id.* at 2.) Plaintiff has not filed
3 any objections and the time to do so has passed.

4 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a
5 *de novo* review of this case. Having carefully reviewed the file, the court finds the findings and
6 recommendations to be supported by the record and proper analysis.

7 Accordingly,

- 8 1. The findings and recommendations issued on November 3, 2020 (Doc. No. 16) are
9 adopted in full;
- 10 2. Defendants Palma and Teresiah, and the claims against these defendants, are
11 dismissed; and,
- 12 3. This case is referred back to the assigned magistrate judge for further proceedings.

13
14 IT IS SO ORDERED.

15 Dated: January 7, 2021


UNITED STATES DISTRICT JUDGE